IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1141 (S/S) of 2006

Smt. Darshani Giri,
W/o Sri Shambhu Prasad,
R/o Village and Post – Langasu,
District – Chamoli,
Presently posted as Assistant Teacher,
Junior High School, Jhiloti,
Block – Pokhari, Chamoli. **……..Petitioner**

V e r s u s

1. State of Uttaranchal through Secretary, Basic Education, Uttaranchal, Dehradun.
2. Director, Education (Basic), Government of Uttaranchal, Dehradun.
3. District Education Officer / Zila Shiksha Adhikari, District Chamoli.
4. Additional District Education Officer / Upper Zila Shiksha Adhikari, District – Chamoli.

……..Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri K.S. Bora, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

i. *Issue a writ, order or direction in the nature of Certiorari quashing the impugned transfer order no./ basic/ stha /2663-77/ 2006 – 07 dated 31.07.2006 (Annexure no. 3) in respect of petitioner passed by respondent no. 4 / Upper Zila Shiksha Adhikari, District – Chamoli.*

ii. *Issue a writ, order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the present case.*

iii. *Allow this writ petition and award cost of it in favour of the petitioner.*

Petitioner is aggrieved with the order dated 31.07.2006 passed by District Education Officer, Almora transferring the petitioner from Junior High School, Jhiloti, Block – Pokhari, Chamoli to Junior High School, Badgaon, Karan Prayag, District – Chamoli.

The petitioner has challenged the transfer order on various grounds. First, the said transfer order has been passed against the transfer policy dated 27.06.2006 issued by the State Government. Petitioner was earlier transferred from Badgaon to Jhiloti just before one and a half year ago. She had been working at Badgaon for more than seven years and again she has been transferred to Badgaon whereas number of Assistant Teachers working in the same block have not been transferred though they have more stay than the petitioner.

The main ground on which petitioner has assailed the transfer order is that petitioner has been transferred as Assistant Teacher (Science) though she was appointed as Assistant Teacher (General) and she never worked as Assistant Teacher (Science).

Petitioner has already made representation dated 10.08.2006 before respondent no. 4 stating therein that her transfer order dated 31.07.2006 may be cancelled if she

has been transferred treating her as Assistant Teacher (Science) as she has neither worked as Assistant Teacher (Science) nor she was appointed as Assistant Teacher (Science) and the said representation is still pending.

In the circumstances stated above, I deem it fit and proper to direct the respondent no. 4 i.e. Uppar Zila Shiksha Adhikari (Basic) District – Chamoli to take decision on the representation of the petitioner dated 10.08.2006 within a period of two weeks from the date of production of certified copy of this order. Petitioner is also directed to produce the certified copy of this before respondent no. 4 i.e. Uppar Zila Shiksha Adhikari (Basic) District – Chamoli within a period of one week from today. Till the decision is taken by the Upper Zila Shiksha Adhikari (Basic) District – Chamoli on the representation of the petitioner, transfer order dated 31.07.2006 passed by respondent no. 4 shall be kept in abeyance provided the petitioner has not already been relieved.

With this direction the writ petition as well as stay application no. 10664 of 2006 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 22, 2006
SKSharma